

FEDERAL COMMUNICATIONS COMMISSION
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SEP 13 2010

MEDIA BUREAU
AUDIO DIVISION
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First Baptist Church of Hemet
26085 Girard Street
Hemet, CA 92544

In re: NEW(FM), Hemet, CA
Facility ID #184593
First Baptist Church of Hemet
BNPED-20100225AAP

Dear Applicant:

The staff has under consideration the above-captioned for a new non-commercial educational FM facility to serve Hemet, CA.

An engineering review of the application reveals that the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ* (USA-Mexico Agreement).

Specifically, the proposal is short-spaced to the co-channel Class B Mexican station (XHUANFM) in Tijuana, BN, MX. Furthermore, the proposed interference contour (34 dBu) would cause prohibited contour overlap to the protected contour (54 dBu) of XHUANFM.¹ Thus, the application fails to comply with the USA-Mexico Agreement. This constitutes an acceptance defect.

Accordingly, Application BNPED-20100225AAP is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and is **HEREBY DISMISSED**. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: David A. O'Connor, Esq.
Robert Moore, Engr.

¹ It should be noted that XHUANFM in Tijuana, BN, MX has a protected contour (54 dBu) based on 4 kilowatts effective radiated power and 238 meters height above average terrain as defined by Annex 1, Section 3, 3.1.2 of the USA-Mexico Agreement.